IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

DOCKET NO. 3:02-cr-152-FDW

UNITED STATES OF AMERICA)	
)	
vs.)	
)	
FAIZA MAXWELL,)	ORDER
)	
Defendant.)	
)	

THIS MATTER comes now before the Court upon remand from the United States Court of Appeals for the Fourth Circuit (Doc. No. 340). Defendant seeks to appeal the Order of this Court denying her sentence reduction under 18 U.S.C. § 3582 (2006). This Court's Order was entered on August 22, 2008. Defendant filed notice of appeal on September 19, 2008. Defendant's notice of appeal was therefore outside the ten-day appeal period. Fed. R. App. P. 4(b)(1)(A). The Court may, upon a showing of excusable neglect or good cause, grant an extension of up to thirty days. In her notice of appeal, Defendant states that she "and her loved ones have made several attempts" to appeal through attorney Reita Pendy, but that these attempts were unsuccessful. (Doc. No. 128.) Unable to communicate with her attorney, Defendant ultimately filed her notice of appeal pro so.

The Court finds that the circumstances set forward in Defendant's pro se notice of appeal demonstrate excusable neglect. The Court therefore grants an extension of the ten-day appeal period up to and including September 19, 2008, making Defendant's notice of appeal timely.

IT IS SO ORDERED.

Signed: July 1, 2009

Frank D. Whitney

United States District Judge

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